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ABSTRACT

This executive report describes the Commission's purpose, plans, and activities to commemorate the Bicentennial of the Constitution in 1987, emphasizing educational opportunities and the enlargement of public understanding and appreciation of the Constitution. The parts of the report include: the Commission (establishment, membership, headquarters, meetings, staff, and committees); recommendations for amendment of Public Law 98-101 which contains the Commission mandate; general framework for the commemoration of the 200th anniversary of the formation of the Constitution of the United States (significance, scope, state cooperation, private participation, governmental cooperation, and national holiday creation); provisional list of projects to be undertaken or encouraged by the Commission; major commemorative dates of the Bicentennial; and a brief conclusion. An appendix contains a calendar of commemorative dates provided by the Library of Congress. (TRS)

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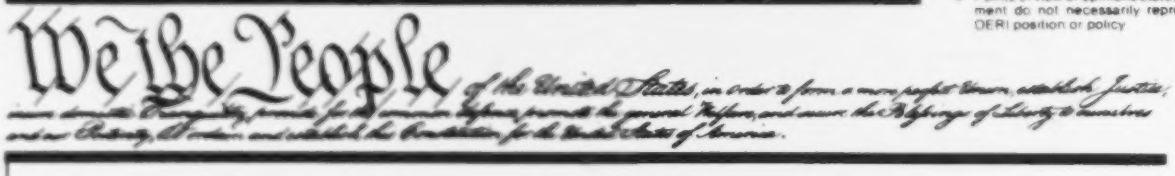

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FIRST REPORT OF THE COMMISSION ON THE BICENTENNIAL OF THE UNITED STATES CONSTITUTION

SP 017310

17 SEPTEMBER 1985

FIRST REPORT

OF THE

COMMISSION ON THE BICENTENNIAL

OF THE

UNITED STATES CONSTITUTION

September 17, 1985

Second Printing with minor revisions

Executive Summary of First Report

Commission on the Bicentennial of the United States Constitution

September 17, 1985

The twenty-three member Commission on the Bicentennial of the United States Constitution was established by Act of Congress, Public Law 98-101. The President designated Chief Justice Warren E. Burger as Chairman of the Commission, and 20 members of the Commission were sworn in by Vice President Bush on July 30, 1985. The Commission appointed Mark W. Cannon as Staff Director and Ronald Mann as Deputy Staff Director.

The Commission met July 29-30 in Washington, D.C., and August 22-23 in Salt Lake City, Utah. Today, September 17, the Commission conducts public hearings at the Supreme Court of the United States at which 19 public and private organizations describe their plans and activities to commemorate the Bicentennial of the Constitution. This meeting helps inform the Commission as well as interested groups about current and contemplated Bicentennial activities.

The Commission will emphasize the educational opportunities afforded by the Bicentennial of the United States Constitution. The most lasting honor we can bestow upon the generation that gave us our form of government is to foster among the people of the United States a just appreciation and a clearer understanding of their constitutional heritage. In the words of the Commission's Chairman it is an occasion for "a history and civics lesson for all of us." This commemoration can help us understand better the conditions that underlie human freedom, and it can enlighten our approaches to constitutional and policy issues that lie ahead.

The Commission proposes that the celebration of the historical aspects of the Constitution's Bicentennial have three phases, corresponding to the three-year period from 1987 through 1989. From now until September 17, 1987--the Bicentennial of the signing of the Constitution in the Philadelphia Convention--some emphasis will be placed on the events leading up to the Convention, the writings of the Founders, and analysis of the Constitution itself. The year 1988 should be one of public enlightenment about the deliberations during 1788 by the people in every State on the merits of the proposed Constitution, which led to ratification. The year 1989 will be dedicated to the formation of the first government and to the 200 years of the historical development of the three branches of government under the Constitution, and will prepare the way for a celebration of the Bicentennial of the Bill of Rights.

The success of the commemoration of the Bicentennial of the Constitution depends in a major way on the widespread and enthusiastic involvement of private groups and organizations to enlarge public understanding and appreciation of the Constitution. Accordingly, a major goal of the Commission will be to stimulate pervasive activity by thousands of organizations at the grass roots level that will educate their members and others about the Constitution and the unique aspects of that document to ensure freedom under law. The Commission will also work closely with State Bicentennial Commissions, federal agencies, and Congress in planning and coordinating government support and involvement.

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Establishment of the Commission

The Commission on the Bicentennial of the United States Constitution was established by Act of Congress, Public Law 98-101, signed by the President on September 29, 1983. In accordance with Section 6(e) of the Act, the Commission hereby submits this Report on its activities.

Membership of the Commission

The Act calls for the Commission to consist of twenty-three members, with twenty members appointed by the President, including four from recommendations made by the Speaker of the House of Representatives, four from recommendations made by the President pro tempore of the Senate, and four from recommendations made by the Chief Justice of the United States. Members named by the Act are the Chief Justice of the United States, or his designee; the President pro tempore of the Senate, or his designee; and the Speaker of the House of Representatives, or his designee.

On June 25, 1985, the President announced his intention to appoint members of the Commission on the Bicentennial of the United States Constitution. The President designated Chief Justice Warren E. Burger as Chairman. Commission members were sworn in and given their commissions by the Vice President of the United States in a White House ceremony on the morning of July 30. Members of the Commission are:

Warren E. Burger, Chairman
Frederick K. Biebel
Lindy Boggs
Herbert Brownell
Lynne V. Cheney
Philip M. Crane
William J. Green
Edward Victor Hill
Cornelia G. Kennedy
Edward M. Kennedy
Harry McKinley Lightsey, Jr.
William Lucas
Edward P. Morgan
Betty Southard Murphy
Thomas H. O'Connor
Phyllis Schlafly
Bernard H. Siegan
Ted Stevens
Obert C. Tanner
Strom Thurmond
Ronald H. Walker
Charles E. Wiggins
Charles Alan Wright

Commission Headquarters

The Commission on the Bicentennial of the United States Constitution has been assigned offices at 734 Jackson Place, N.W., Washington, D.C. These offices will support no more than 25 staff members. Obviously a much larger space will be required. We are informed that the 1976 American Revolution Bicentennial Administration had 250 staff members at the height of its operations. The Chairman has met with the Administrator of the General Services Administration and requested that the necessary space be assigned.

Commission Meetings

The Commission has held two meetings: July 29-30, in Washington, D.C., and August 22-23, 1985, in Salt Lake City, Utah. On September 17, the date of this Report, the Commission conducts public hearings at the Supreme Court of the United States in Washington, D.C., at which nineteen public and private organizations are testifying about their plans for commemorating the Bicentennial of the Constitution. This is a first step to inform the Commission about all pending or contemplated activities by other governmental bodies and private entities as well as receive recommendations for Commission activities.

The Commission has scheduled future meetings for November 24-25, 1985; February 1-2, 1986; April 13-14, 1986; and June 27-28, 1986.

Commission Staff

Public Law 98-101 provides that the Commission shall appoint a Staff Director and may appoint up to five additional staff members paid with appropriated funds.

On July 16, 1985, after the President's announcement of the Commission's membership and prior to the first meeting of the Commission, Chief Justice Warren E. Burger, as Chairman of the Commission, appointed a Search Committee to recommend to the Commission a candidate for Staff Director. Commissioners Biebel, Cheney, Morgan, and Walker were appointed to the Search Committee, with Betty Southard Murphy appointed to chair the Committee.

After an extended search and review of numerous persons, the Commission, upon unanimous recommendation of the Search Committee, appointed Mark W. Cannon as Staff Director and Ronald Mann as Deputy Staff Director.

Committees of the Commission

The following committees and subcommittees of the Commission have been created to date:

Personnel/Administration Committee

Finance Committee

Projects and Events Committee

- Subcommittee on Education
- Subcommittee on Private Associations and Organizations
- Subcommittee on the Media

Committee on Government Liaison

- Subcommittee on Federal Liaison
- Subcommittee on State/Local Liaison
- Subcommittee on International Liaison

Recommendation for Amendment of Public Law 98-101

The purpose of the Commission, as described in Section 3 of Public Law 98-101, is to "promote and coordinate activities to commemorate the bicentennial of the Constitution," which was signed at the Constitutional Convention on September 17, 1787. In its general language, this is similar to the charge that was given to the American Revolution Bicentennial Commission (ARBC) and to its successor, the American Revolution Bicentennial Administration (ARBA), for the commemoration of the American Revolution Bicentennial. The challenge facing this Commission in performing its statutory responsibilities perhaps is best illustrated by a few comparative statistics:

(1) Timing: ARBC was established on July 4, 1966, fully ten years prior to the commemoration date of the American Revolution Bicentennial. While ARBC encountered subsequent delays, culminating in its reorganization as ARBA in 1974, there was nonetheless early opportunity for planning the American Revolution Bicentennial. The Commission on the Bicentennial of the Constitution has been in effect for less than two months as of the date of this Report and will have met three times before the due date of this Report. The time pressures place the Commission under great handicaps with its mandate to promote and coordinate our country's commemoration of its fundamental law. The Commission will therefore proceed with great expedition to enlist a staff and advisory bodies.

(2) Funding: ARBC/ARBA received $51,871,000 in appropriated funds between fiscal years 1969 and 1977. Another $16 million was made available to ARBA-approved projects through Title X job-impact grants. During fiscal years 1975 and 1976 alone, Congress appropriated another $50,300,000 to federal agencies and the District of Columbia for American Revolution Bicentennial activities. In contrast, Public Law 98-101 authorized an appropriation of $300,000 for fiscal year 1984 to carry out the purposes of the Act. The Commission not having been constituted until July, 1985, that authorization was replaced by a supplemental appropriation of $331,000, which should be available shortly to the Commission. For fiscal year 1986, an amended appropriation request of $775,000 for minimal staffing and "start-up" expenses has been requested for the Commission.

In short, the 1976 commemoration had ten years for planning and enjoyed more than $118 million in appropriated funds, apart from over $23 million in other funds. This Commission has less than two years before the opening of the anniversary year of 1987 to promote and coordinate the commemoration of the Nation's Founding charter, with a little more than $1 million having been proposed but not yet appropriated through 1986.

The Commission is therefore urging that its authorizing statute be amended in response to the threat posed to the successful execution of the Commission's responsibilities by the shortage of time and the modest initial supporting appropriations. Changes requested include:

(1) an amendment to permit the Commission to authorize the production of coins and medals and to allow the Commission to use the official emblem of the Bicentennial to raise revenue for the commemoration, with penalties for its unauthorized use;

(2) removal of the limitation on the number of Commission staff who may be compensated through appropriated funds;

(3) exemption from Civil Service regulations of Commission staff paid from privately donated funds; and

(4) raising the ceiling on the amount an individual can contribute to $250,000 per annum and on the amount a corporation, partnership, or other business organization can contribute to $1,000,000 per annum.

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General Framework for the Commemoration of the Two Hundredth Anniversary of the Formation of the Constitution of the United States

Section 6(e) of the Act establishing the Commission requires that the Commission submit to the three Branches of the federal government a "comprehensive report incorporating specific recommendations of the Commission for commemoration and coordination of the bicentennial and related activities" within two years of the Act's enactment. Congress intended that, by the due date of this Report--September 29, 1985--the Commission would have been functioning for at least twenty months (see Senate Report No. 98-68). Instead, the Commission has been functioning for less than two months, without an appropriation for a Staff Director and a staff. The Chief Justice assigned five members of the Supreme Court staff to carry on preliminary work and preparation for two meetings of the Commission.

The Commission is therefore not in a position to make a comprehensive Report, but only a preliminary Report of the general framework of the Bicentennial commemoration.

Significance of the Occasion

At the first meeting of the Commission the Chief Justice as Chairman stated his view that the occasion would afford an opportunity for "a history and civics lesson for all of us," with emphasis on "the utter uniqueness" of the American Constitution in creating a system of government controlled by the governed. The Constitution, he noted, "is what we did with our independence."

In the first number of The Federalist in October of 1787, Alexander Hamilton pointed to the momentous importance of the question then before the American people: whether to approve the new Constitution their delegates had recently signed in Philadelphia. He wrote:

> The subject speaks its own importance; comprehending in its consequences, nothing less than the existence of the UNION, the safety and welfare of the parts of which it is composed, the fate of an empire, in many respects, the most interesting in the world. It has been frequently remarked, that it seems to have been reserved to the people of this country, by their conduct and example, to decide the important question, whether societies of men are really capable or not, of establishing good government from reflection and choice, or whether they are forever destined to depend, for their political constitutions, on accident and force.

In the years 1787 to 1789, Americans proved to the world that a free people can indeed establish good government through reflection and choice, placing self-government on a firm foundation and giving hope to mankind.

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In celebrating the Bicentennial of our Declaration of Independence in 1976, we honored the heroes of our struggle to secure independence from a distant government insensitive to people's needs and to secure the inalienable rights so eloquently described in the Declaration of 1776. In the Bicentennial years ahead, we shall pay tribute to and celebrate the wisdom of our Founders in framing for this Nation a form of government which implements the Declaration of July 4, 1776, and which has for two centuries secured for Americans their natural rights to "Life, Liberty and the pursuit of Happiness."

The Commission will seek to encourage a spirit of inquiry for the celebration as we approach the Bicentennial. The Constitution, as the guardian of our liberties, should be honored from the heart as well as the mind. The Constitution was a product of reflection and choice, a work of the mind reflecting the hopes and dreams of philosophers and scholars of government. It embodies the principles constituting us as a self-governing Nation dedicated to the rule of law. The Commission regards the approaching commemoration as an historic opportunity for all Americans to learn about and recall the achievements of our Founders and the knowledge and experience that inspired them, the nature of the government they established, its origins, its character, and its ends, and the rights and privileges of citizenship, as well as its attendant responsibilities. The Commission will seek to encourage a truly national celebration that instills in every citizen an awareness of the Constitution's preeminent role in our unique and profound experiment in self-government.

Scope of Celebration

Throughout the territory under the jurisdiction of the United States, and in foreign states as well, the two hundredth anniversary of the formation of the Constitution will be celebrated and continue through 1989, the year the government was formed under the Constitution. Every State, city, town, and hamlet, every organization and institution, and every family and individual in the Nation will be invited to participate. Each community is encouraged to conduct its own commemoration, with such cooperation and assistance as the Commission on the Bicentennial and the local and State Constitution Commissions can provide.

We recognize the similarities and the differences between the approaching Bicentennial and the Bicentennial of the American Revolution of 1776. In 1776, we confirmed our independence. From 1787 to 1789, we built a new and unique form of government. The history of the 20th century shows that it is one thing to win a revolution, and quite another to build a new Nation and a system of government faithful

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to the principles for which the revolution was fought. The success with which Americans secured their Revolution through the establishment of representative institutions is unparalleled, and is a story that deserves to be told. The United States was built upon and remains committed to the foundation of a written Constitution designed to establish a government and preserve individual freedom and opportunity. The themes we must develop for the Bicentennial of 1787-1789 consist not only of the relation of the Constitution to the Declaration of Independence, but also of the Constitution's own history, the struggles and trials to secure it, and the Constitution's contribution to American life and the art of government.

Each year of the Constitution Bicentennial period has a distinct significance for the Founding of America. The Commission proposes that the celebration of the Bicentennial of the Constitution have three phases, corresponding to the three-year period from 1987 through 1989. The commemoration should be grounded on the historical events of 200 years ago, but the scope of the activities and celebration should include the entire 200 years of the American experience right up to the present. The evolution of the Constitution to meet new needs will be treated.

(1) 1987: "Framing the Constitution." The year 1987 should be dedicated to the memory of the Founders and the great document that they drafted in Philadelphia. The celebration during 1986 and 1987 should focus on events leading up to the Constitutional Convention in Philadelphia in the summer of 1787. The anniversary of the Convention's adoption of the Constitution on September 17, 1987, will provide an occasion for fitting ceremonies, both solemn and festive, throughout the Nation. The larger scope of the celebration during 1986 and 1987 should be of an educational nature, with particular attention to the reasons for calling the Constitutional Convention, the strengths and weaknesses of the Articles of Confederation, the moral, political, and economic thought of the Founders; the influence of the Western philosophical and religious tradition upon their lives and work; the discussions and debates within the Convention; and analysis of the Constitution itself.

(2) 1988: "Ratifying the Constitution: The People Consent." In 1988, the commemorative theme should be the great national debate following upon the adjournment of the Philadelphia Convention on September 17, 1787. The two hundredth anniversary of the ratification of the Constitution by the people of nine States will occur in 1988. The year 1988 should thus be one of public enlightenment about the exciting and learned deliberations, such as The Federalist papers, undertaken by the people in every State over the merits of the proposed Constitution. The period 1787-1789 was one of the most dramatic periods in world history, with "the fate of an empire,

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in many respects, the most interesting in the world" hanging in the balance. Fostering an understanding of and appreciation for the majesty of the drama of a freedom-loving people's overcoming obstacles and choosing for itself a form of government through discussion and debate should be our primary goal during this phase of the celebration.

(3) 1989: "Establishing a Government under the Constitution." The year 1989 marks the two hundredth anniversary of the establishment of the Legislative, Executive, and Judicial Branches of the federal government pursuant to the Constitution, and of the inauguration of George Washington as the first President of the United States. In 1989, the commemoration should focus primarily on the relationship and 200 years of historical development of the three Branches of government under the Constitution. This phase of the celebration should include all agencies of the government and their relationship to the American people, not just the structure of government.

The year 1789 was when the first Congress drafted proposed amendments to the Constitution that became our Bill of Rights upon their ratification in 1791. By commemorating in 1989 Congress's adoption of those amendments, we will prepare the way for a celebration of the Bicentennial of the Bill of Rights.

James Madison, in the fifty-first paper of The Federalist, wrote:

> If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controuls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: You must first enable the government to controul the governed; and in the next place, oblige it to controul itself.

The mechanisms of checks and balances and the authority of the people to control their government were unique. The American people today enjoy the two great ends of the American Revolution: representative government and the maximum individual freedom compatible with public order that we call "ordered liberty."

What is it about the form of government the Founders devised that enabled us in the short space of two hundred years to become a great world power while retaining and extending the freedoms all people yearn for? Building upon increased constitutional understanding fostered during the next three years, we should devote this third phase to addressing the formation of the federal government and the role it has played in securing freedom and prosperity under the Constitution.

Among the reasons for placing some emphasis upon commemorating the creative period of the Founding of the Constitution are the following:

(1) The 200th anniversary being celebrated during the period of the existence of the Commission is of the writing and ratification of the Constitution and of the government it established.

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(2) A major reason for the study of history is to increase understanding of the human condition in varying circumstances. The establishment of the United States of America was a remarkable turning point in human history, worthy of being understood in its own right.

(3) The Senate Report on the Act creating this Commission noted that we have gone through two decades in which the study of history has been slighted. The Commission recognizes the growing desire of the American people to reverse this trend, and to understand the history that has shaped the American Nation.

(4) Studying history will enrich our understanding of the present and of the future by illuminating the reasons for failures and successes of the past. The history of the United States of America relates directly to the most precious human condition--freedom to think, speak, write, and create; freedom to possess diverse political, social, and religious views; and freedom to own and use property and produce and distribute goods and services. Throughout the history of nations, such freedom has rarely been allowed and, when it was available, has rarely endured. As we look toward the future, it is particularly important that we ask what it was about our Founders' thinking and the culture, political system, and governmental structure that emerged from the Constitution, that produced two centuries of liberty under law.

While individuals may differ over answers to that critical question, it is safe to say that if we neglect to think about it, the probability of our constitutional freedoms being eroded or toppled is increased.

Numerous questions arise from time to time as to what policies our republic should fashion and what amendments to the Constitution, if any, should be added. Newspapers, periodicals, and the electronic media cover such issues extensively. Because education of the public about the Founding period is uncommon, however, it is imperative that the Commission work--in conjunction with other institutions, including the media--to fill the educational gap that exists with respect to the origins of the American constitutional system.

No framework proposed by the Commission can possibly anticipate all the activities appropriate to a celebration of the Constitution. Rather than attempt the impossible, the Commission recommends the above general framework for commemorating the legacy of 1787 while at the same time welcoming the diversity that is a hallmark of American society.

Cooperation of the States and Their Subdivisions

A first order of business for the Commission is to invite the States and their subdivisions, under the direction of their respective Governors and local authorities, to

cooperate with the Commission. That process has begun. The Commission urges the appointment of a Constitution Commemoration Commission in every State and Territory of the United States as soon as possible. Such commissions are already in place in a number of States.

These State commissions are urgently needed to initiate, coordinate, and supervise Bicentennial celebrations in the States and Territories in cooperation with the national Commission. Where legislation is needed for a State Commission to be established, the Commission will urge that the steps necessary for Bicentennial planning in the interim be taken forthwith. The Commission has already prepared a generic bill for use by the States. The Commission, working with the State commissions, will also encourage the mayors and other city officials to appoint Constitution committees as early as possible in order to prepare for the celebration.

The Commission contemplates preparation of a booklet that will be distributed to the States detailing some of the best ideas and suggestions it has received. Through the staff and meetings with members of the State commissions, it will continue to coordinate and share ideas.

This organizational plan anticipates the State commissions' assumption of responsibility for promoting various forms of celebration within their States. Where such State commissions or executive committees exist, communities and organizations should cooperate with them so that comprehensive and well-balanced commemorative programs can be assured in each State.

Participation of Private Associations and Organizations

The success of the celebration of the Bicentennial of the Constitution depends in a major way on the widespread and enthusiastic involvement of private groups and organizations to enlarge understanding and appreciation of the Constitution of the United States.

A major goal of the Commission will be to stimulate massive activity by thousands of organizations that will educate their constituencies and others about the Constitution and the great leap forward in freedom under law that the Constitution represented. It is essential that the celebration depend on the grass-roots involvement of citizens and their organizations, rather than on the central planning and control of a federal agency, for which there is neither time nor resources. Many existing associations will be able, without great additional cost, to devote programs and publications to constitutional themes, reaching millions of citizens in a more effective way than can any costly system of national programs.

Moreover, the practice of letting individuals and organizations act freely with their own emphasis is inherent in our constitutional system. It is therefore a very appropriate reflection of that which is being celebrated--the Constitution of the United States--to encourage widespread involvement by thousands of associations in the educational mission of teaching about our constitutional heritage: the Constitution's origins, its drafting, its ratification, and the government created under the Constitution. The precise treatment of amendments to the Constitution will develop from further study and consideration. Clearly, when we speak of "the Constitution" we mean the whole Constitution.

The Commission will therefore urge all organizations of whatever character to begin to plan for the celebration within their respective organizations, offering its support and encouragement to them as they prepare their plans and programs. It is hoped that organizations will devote time at their national conventions and other periodic meetings to speakers on the Constitution, and will include feature articles on the Constitution in their national publications. Such activities could be assisted by personal meetings of organization leaders with the Commission Chairman, members, or staff and with a Commission program of technical assistance in helping to supply ideas and historical materials of interest to organizations. A senior member of the Commission staff will be assigned to work with private groups.

Cooperation and Participation of the Government of the United States

The Commission seeks cooperation, advice, and assistance from all departments and agencies of the federal government, and from both houses of Congress, in carrying out its mission. Some governmental agencies have developed programs over the past three to five years. The Bicentennial of the Constitution provides a fitting occasion for the three Branches of the federal government to reflect upon their own creation and upon the grand design of which they are each a part. The Commission therefore encourages and supports efforts by the three Branches of government to promote understanding of the Founders' intentions in creating them in such form as they did, and with such powers and limitations as they did.

Creation of National Holiday

The Commission supports the creation of a one-time National Holiday on Constitution Day, September 17, 1987, the date marking the Bicentennial of the adoption of the Constitution by the Constitutional Convention.

Provisional List of Projects to be Undertaken or Encouraged by the Commission

Clearinghouse: The Commission will undertake to serve as a central clearinghouse of information about Bicentennial plans and events, and will establish a toll-free number for those seeking information on commemorative activities. A staff member will in due course be assigned to this function.

Calendar of Commemorative Dates and Events: The Commission will publish a calendar of commemorative dates during the Bicentennial period, and will issue a schedule of events of national interest that are planned for those dates.

Handbook of Bicentennial Planning: The Commission will develop and distribute a handbook on planning projects and events commemorating the Bicentennial of the Constitution.

Newsletter: The Commission will publish and distribute a newsletter designed to promote the commemoration of the Bicentennial by organizations and groups at the national, State, and local levels.

Constitution Speakers' Bureau: The Commission will encourage every State Commission to identify individuals who are knowledgeable about our Constitution's history and have indicated a willingness to speak to organizations and associations requesting a Constitution speaker. The Commission will establish a National Speakers' Bureau.

Development of Educational Materials: The Commission will work closely with the educational community, encouraging the development of educational materials about the Constitution and the Founders, and supporting existing materials, for distribution to schools and libraries. The use of primary documents in such materials is especially encouraged so that the written record of our Nation's Founding is made available and familiar to our young people.

Contest Activities: The Commission wishes to open every avenue of appropriate expression with which students and teachers can participate in the commemoration of the Bicentennial of the Constitution. It will therefore encourage educational competitions in a variety of mediums. In selecting themes for these competitions, special attention should be given to the background of the Constitution, the Constitutional Convention, the Ratification Period, and the early years of the American Republic.

(1) The Commission will encourage the development of creative writing contests, in which students and teachers will create dramatic material, such as plays

and poems, for use by others during the Bicentennial period. All school and college groups interested in this educational activity should be invited to participate.

(2) The Commission will stimulate the development of a nationwide series of essay and debate contests open to all students in public and private schools; such contests will also be encouraged for law school and college students.

(3) The Commission will encourage the development of a journalistic achievement competition among high school periodicals, with recognition given to schools issuing the best editions devoted to the Constitution. Every high school publishing a periodical should be invited to join in this competition.

(4) The Commission will encourage the development of Bicentennial competitions in the fine arts, such as painting, sculpture, music, dance, and photography, and in the audio-visual arts.

Planting of Constitution Trees: During the American Revolution, the Sons of Liberty, led by Samuel Adams, Paul Revere, and others, gathered under Liberty Trees, which served as symbols of their aspirations. The planting of commemorative trees has become a part of the American tradition and was a much-loved aspect of the celebration of the Sesquicentennial of the Constitution. During the Bicentennial of George Washington's birth in 1932, some 35 million trees were planted to honor Washington. The Commission will encourage organizations to plan for the ceremonial planting of Constitution Trees and perhaps other florae throughout America as living and lasting tributes to the Constitution.

To illustrate a few of the concrete steps that have been taken in even the brief period of the past sixty days, the following may be of interest:

(1) Exploratory discussions have been opened with persons and entities in a position to sponsor a national essay contest in every high school in the United States in cooperation with Bar Associations.

(2) Exploratory discussions have been held with another entity with a view to commissioning a large life-size mural of the Inauguration of George Washington in New York on April 30, 1789. Possible uses of this mural include placing it in locations where it will be seen by a great many people with copies of it made available, possibly to all high schools in the United States.

(3) Exploratory discussions have commenced with a view to commissioning a copy of the Howard Chandler Christie painting of the signing of the Constitution with the figures of George Washington, Ben Franklin, James Madison, and others readily identifiable. One possible use of this will be to provide copies for educational institutions in the United States.

(4) Since television will be one of the most obvious and valuable means of carrying the messages of the Bicentennial to the greatest number of people, studies have been underway for some months by qualified persons to develop films about events of special interest relating to the evolution of the Constitution and constitutional government. One example is found in the 1793 episode in which Washington and his Cabinet were struggling with a serious foreign relations problem involving the interpretation of treaties with France and England. Jefferson, as Secretary of State, was authorized to ask the Supreme Court of the United States for an opinion on the legal aspects and meaning of the treaty. After careful consideration, the Supreme Court of the United States declined to advise the President and the Cabinet. This is a classic illustration of the separation of powers and is, in a sense, the genesis of the political question doctrine.

Another example is found in John Marshall's only argument before the Supreme Court of the United States in the case of Ware v. Hylton. Marshall was representing Virginia debtors, and the issue was the form in which their debts to British creditors would be paid. The treaty had provided the standards. After lengthy arguments, the Supreme Court decided that the treaty controlled over the Virginia law in question.

Another example would be dramatic debates between Patrick Henry and the young John Marshall in the Virginia Ratification Convention in Richmond. The Constitution was ratified in Virginia by a vote of 89 to 79.

We are exploring the idea of periodic releases, containing brief sketches of dramatic but often little-known events, to trade publications, airline and hotel magazines, and others.

Preliminary discussions with leaders in the private sector indicate that there is great interest in developing television films to illustrate dramatic episodes in history. We have consulted with producers of television documentary films. It is contemplated that an advisory historical committee will be appointed to assist with the developments of proposals for these kinds of programs for public television and the networks.

Major Commemorative Dates of the Bicentennial of the Constitution of the United States

The following list of commemorative dates excludes traditional July 4th activities. The Commission has been able to include brief descriptions of events of national significance planned for those dates and which have come to the Commission's

attention. (A more comprehensive calendar of commemorative dates of the Constitution's Bicentennial can be found in the Appendix.)

September 11-14, 1986
Two hundredth anniversary of the Annapolis Convention

Five States--New York, New Jersey, Delaware, Pennsylvania, and Virginia--sent a total of twelve delegates to the conference Virginia had proposed to discuss commercial matters. (New Hampshire, Massachusetts, Rhode Island, and North Carolina sent delegates, but they failed to arrive in time). The small attendance made discussion of commercial problems fruitless. On September 14, the Annapolis group adopted a resolution drafted by Alexander Hamilton asking all the States to send representatives to a new convention to be held in Philadelphia in May of 1787. This meeting would not be limited to commercial matters but would address all issues necessary "to render the constitution of the Federal government adequate to the exigencies of the Union."

Annapolis will be the site of a two-day festival (September 12-13, 1986) commemorating the Annapolis Convention (September 11-14, 1786), the harbinger of the Constitutional Convention of 1787. The program will include a scholarly conference and an 18th-century fair.

September 17, 1986
Constitution Day, the one hundred ninety-ninth anniversary of the Constitution

Two major exhibits will open in Philadelphia at Independence National Historical Park. The "Miracle at Philadelphia" exhibit will open in the Second Bank Building, featuring the largest, most comprehensive collection of objects and artifacts of the constitutional period ever assembled, including four drafts of the Constitution and the journals James Madison kept during the Constitutional Convention. "The Great Fabric of America" exhibit will open in the Park's Visitor Center and will feature interactive computers that will challenge visitors' knowledge of the Constitution.

May 25, 1987
Two hundredth anniversary of the opening of the Constitutional Convention

By May 25, 1787, a quorum of delegates from seven States had arrived in Philadelphia in response to the call from the Annapolis Convention, and the meeting convened. Eventually, representatives from all the States attended, with the exception of Rhode Island. The delegates included George Washington, who was elected President of the Convention, Benjamin Franklin, James Madison, Alexander Hamilton, George

Mason, John Dickinson, Gouverneur Morris, James Wilson, Roger Sherman, and Elbridge Gerry.

May 25 is the first major commemorative date during the Bicentennial year of 1987 to provide an occasion for significant ceremonies. Philadelphia plans a gala weekend preceding the Bicentennial of the opening of the Convention, including a concert by the United States Army Band and special ceremonies on the grounds of Independence Hall.

September 17, 1987
Two hundredth anniversary of the formal signing of the Constitution and the adjournment of the Constitutional Convention

Delegates of all twelve States represented in Philadelphia voted to approve the Constitution. Thirty-nine of the forty-two delegates present signed the engrossed copy, and a letter of transmittal to the Continental Congress was drafted.

September 17 has traditionally been celebrated as "Constitution Day." The Commission supports the creation of a one-time National Holiday on this date and considers it the appropriate date for the main national observance during the 1987 Bicentennial year. This day should involve special programs across America.

June 21, 1988
Two hundredth anniversary of the ratification of the Constitution

On June 21, 1788, New Hampshire became the ninth State to ratify the Constitution, nine States being the number sufficient to bring the Constitution into effect. This is obviously an appropriate date for commemorating the democratic process whereby the American people approved the Constitution.

March 4, 1989
Two hundredth anniversary of the day the First Congress under the Constitution met in New York City

Only eight Senators and thirteen Congressmen convened on this date, and the House of Representatives would not achieve its first quorum until April 1, with the Senate following five days later.

This date should be reserved for commemoration of the Legislative Branch of government. The Commission on the United States House of Representatives Bicentenary, the Office for the Bicentennial of the U.S. House of Representatives, and the U.S. Senate Historical Office will assist in coordinating national ceremonies on this date.

April 30, 1989
Two hundredth anniversary of the inauguration of George Washington as the first President of the United States under the Constitution

The oath of office was administered by Robert R. Livingston, Chancellor of the State of New York, on the balcony of Federal Hall in New York City.

Plans are under discussion for some special focus on this date and place. Federal Hall National Memorial, on the site of the original Federal Hall, will host special ceremonies focusing on the Executive Branch of the government.

September 24, 1989
Two hundredth anniversary of the Federal Judiciary Act of 1789, which established the Supreme Court of the United States, thirteen District Courts, three Circuit Courts, and the Office of the Attorney General

On this date, there should be a national commemoration of the Judicial Branch of government, with appropriate activities in courthouses across the nation.

Conclusion

The Commission believes it has rightly discerned the governing intent of Congress in establishing it--namely, that primary emphasis should be placed on the educational opportunities afforded by the Bicentennial of the United States Constitution. The most lasting honor we can bestow upon the generation that gave us our form of government is to foster among the people of the United States a just appreciation and a clearer understanding of their Constitution. We will make every effort to carry out this mission.

Respectfully submitted,

Warren E. Burger

Chairman of the Commission on the Bicentennial of the United States Constitution

To the President
To the Vice President
To the Speaker of the United States House of Representatives
To the President pro tempore of the United States Senate
To the Judicial Conference of the United States

APPENDIX

Calendar of Commemorative Dates for the Celebration of the Bicentennial of the United States Constitution

The source of the following list is Report No. 85-100 S of the Congressional Research Service of the Library of Congress. The list was compiled by Project '87 of the American Political Science Association and the American Historical Association.

March 28, 1785: Mount Vernon Conference. George Washington hosted a meeting at Mount Vernon of four commissioners from Maryland and four from Virginia to discuss problems relating to the navigation of the Chesapeake Bay and the Potomac River. After negotiating agreements, the commissioners recommended to their respective legislatures that annual conferences be held on commercial matters, and that Pennsylvania be invited to join Maryland and Virginia to discuss linking the Chesapeake and the Ohio River.

January 16, 1786: Virginia's legislature adopted a statute for religious freedom, originally drafted by Thomas Jefferson and introduced by James Madison. The measure protected Virginia's citizens against compulsion to attend or support any church, and against discrimination based upon religious belief. The law served as a model for the First Amendment to the United States Constitution.

January 21, 1786: Virginia's legislature invited all the States to a September meeting in Annapolis to discuss commercial problems.

August 7, 1786: The Congress of the Confederation considered a motion offered by Charles Pinckney of South Carolina to amend the Articles of Confederation in order to give Congress more control over foreign affairs and interstate commerce. Because amendments to the Articles required the unanimous consent of the States, an unlikely eventuality, Congress declined to recommend the changes.

September 11-14, 1786: Annapolis Convention. New York, New Jersey, Delaware, Pennsylvania and Virginia sent a total of twelve delegates to the conference that had been proposed by Virginia in January to discuss commercial matters. (New Hampshire, Massachusetts, Rhode Island and North Carolina sent delegates, but they failed to arrive in time.) The small attendance made discussion of commercial matters fruitless. On September 14, the convention adopted a resolution drafted by Alexander Hamilton asking all the States to send representatives to a new convention to be held in Philadelphia in May of 1787. This meeting would not be limited to commercial matters but would address all issues necessary "to render the constitution of the Federal Government adequate to the exigencies of the Union."

February 4, 1787: The end of Shays' Rebellion. General Benjamin Lincoln, leading a contingent of 4,400 soldiers enlisted by the Massachusetts governor, routed the forces of Daniel Shays. A destitute farmer, Shays had organized a rebellion against the Massachusetts government, which had failed to take action to assist the State's depressed farm population. The uprisings, which had begun in the summer of 1786, were completely crushed by the end of February. The Massachusetts legislature, however, enacted some statutes to assist debt-ridden farmers.

February 21, 1787: The Congress of the Confederation cautiously endorsed the plan adopted at the Annapolis Convention for a new meeting of delegates from the States "for the sole and express purpose of revising the Articles of Confederation and reporting to Congress and the several legislatures such alterations and provisions therein."

May 25, 1787: Opening of the Constitutional Convention. On May 25, a quorum of delegates from seven States arrived in Philadelphia in response to the call from the Annapolis Convention, and the meeting convened. Ultimately, representatives from all the States but Rhode Island attended. The distinguished public figures included George Washington, James Madison, Benjamin Franklin, George Mason, Alexander Hamilton, Gouverneur Morris, James Wilson, Roger Sherman and Elbridge Gerry.

May 29, 1787: Virginia Plan proposed. On the fifth day of the meeting, Edmund Randolph, a delegate from Virginia, offered 15 resolutions comprising the "Virginia Plan" of Union. Rather than amending the Articles of Confederation, the proposal described a completely new organization of government including a bicameral legislature that represented the States proportionately, with the lower house elected by the people and the upper house chosen by the lower body from nominees proposed by the State legislatures; an executive chosen by the legislature; a judiciary branch; and a council comprising the executive and members of the judiciary branch with a veto over legislative enactments.

June 15, 1787: New Jersey Plan proposed. Displeased by Randolph's plan, which placed the smaller States in a disadvantaged position, William Patterson proposed instead only to modify the Articles of Confederation. The New Jersey plan would give Congress power to tax and to regulate foreign and interstate commerce, and would establish a plural executive (without veto power) and a supreme court.

June 19, 1787: After debating all the proposals, the convention decided not merely to amend the Articles of Confederation, but to conceive a new national government. The question of equal versus proportional representation by States in the legislature then became the focus of the debate.

July 12, 1787: The Connecticut Compromise (I). Based upon a proposal made by Roger Sherman of Connecticut, the Constitutional Convention agreed that representation in the lower house should be proportional to a State's population (all of the white residents, and three-fifths of the blacks).

July 13, 1787: Northwest Ordinance. While the Constitutional Convention met in Philadelphia, the Congress of the Confederation crafted another governing instrument for the territory north of the Ohio River. The Northwest Ordinance, written largely by Nathan Dane of Massachusetts, provided for interim governance of the territory by Congressional appointees (a governor, secretary and three judges), creation of a bicameral legislature when there were 5,000 free males in the territory, and ultimate establishment of three to five States on an equal footing with the States already in existence. Freedom of worship, right to trial by jury, and public education were guaranteed, and slavery prohibited.

July 16, 1787: The Connecticut Compromise (II). The Convention agreed that each State should be represented equally in the upper chamber.

August 6, 1787: The five-man committee, appointed to draft a constitution based upon 23 "fundamental resolutions" drawn up by the convention between July 19 and July 26, submitted a document containing 23 articles.

August 6-September 10, 1787: The Great Debate. The Convention debated the draft constitution and agreed to prohibit Congress from banning the foreign slave trade for twenty years.

August 8, 1787: The Convention adopted a two-year term for representatives.

August 9, 1787: The Convention adopted a six-year term for senators.

August 16, 1787: The Convention granted to Congress the right to regulate foreign trade and interstate commerce.

September 6, 1787: The Convention adopted a four-year term for the President.

September 8, 1787: A five-man committee, comprising William Samuel Johnson (chair), Alexander Hamilton, James Madison, Rufus King and Gouverneur Morris, was appointed to prepare the final draft.

September 12, 1787: The committee submitted the draft, written primarily by Gouverneur Morris, to the Convention.

September 13-15, 1787: The Convention examined the draft, clause by clause, and made a few changes.

September 17, 1787: All twelve State delegations voted approval of the document. Thirty-nine of the forty-two delegates present signed the engrossed copy, and a letter of transmittal to Congress was drafted. The Convention formally adjourned.

September 20, 1787: Congress received the proposed Constitution.

September 26-27, 1787: Some representatives sought to have Congress censure the Convention for failing to abide by Congress' instruction only to revise the Articles of Confederation.

September 28, 1787: Congress resolved to submit the Constitution to special State ratifying conventions. Article VII of the document stipulated that it would become effective when ratified by nine States.

October 27, 1787: The first "Federalist" paper appeared in New York City newspapers, one of 85 to argue in favor of the adoption of the new frame of government. Written by Alexander Hamilton, James Madison and John Jay, the essays attempted to counter the arguments of anti-Federalists, who feared a strong centralized national government.

December 7, 1787: Delaware ratified the Constitution, the first State to do so, by unanimous vote.

December 12, 1787: Pennsylvania ratified the Constitution in the face of considerable opposition. The vote in convention was 46 to 23.

December 18, 1787: New Jersey ratified unanimously.

January 2, 1788: Georgia ratified unanimously.

January 9, 1788: Connecticut ratified by a vote of 128 to 40.

February 6, 1788: The Massachusetts convention ratified by a close vote of 187 to 168, after vigorous debate. Many anti-Federalists, including Sam Adams, changed sides after Federalists proposed nine amendments, including one that would reserve to the States all powers not "expressly delegated" to the national government by the Constitution.

March 24, 1788: Rhode Island, which had refused to send delegates to the Constitutional Convention, declined to call a State convention and held a popular referendum instead. Federalists did not participate, and the voters rejected the Constitution, 2708 to 237.

April 28, 1788: Maryland ratified by a vote of 63 to 11.

May 23, 1788: South Carolina ratified by a vote of 149 to 73.

June 21, 1788: New Hampshire became the ninth State to ratify, by a vote of 57 to 47. The convention proposed twelve amendments.

June 25, 1788: Despite strong opposition led by Patrick Henry, Virginia ratified the Constitution by 89 to 79. James Madison led the fight in favor. The convention recommended a bill of rights comprising twenty articles, in addition to twenty further changes.

July 2, 1788: The President of Congress, Cyrus Griffin of Virginia, announced that the Constitution had been ratified by the requisite nine States. A committee was appointed to prepare for the change in government.

July 26, 1788: New York ratified by a vote of 30 to 27 after Alexander Hamilton delayed action, hoping that news of ratification from New Hampshire and Virginia would influence anti-Federalist sentiment.

August 2, 1788: North Carolina declined to ratify the Constitution until a bill of rights was added.

September 13, 1788. Congress selected New York as the site of the new government and chose dates for the appointment of and balloting by presidential electors, and for the meeting of the first Congress under the Constitution.

October 10, 1788: The Congress of the Confederation transacted its last official business.

December 23, 1788: The State of Maryland ceded ten square miles to Congress for a federal city.

January 7, 1789: Presidential electors were chosen by ten of the States that had ratified the Constitution (all but New York).

February 4, 1789: Presidential electors voted; George Washington was chosen President, and John Adams Vice-President. Elections of senators and representatives took place in the States.

March 4, 1789: The first Congress convened in New York, with eight senators and thirteen representatives in attendance, and the remainder en route.

April 1, 1789: The House of Representatives achieved a quorum, with 30 of its 59 members present, and elected Frederick A. Muhlenberg of Pennsylvania to be its speaker.

April 6, 1789: The Senate, with 12 of 22 senators in attendance, achieved a quorum and chose John Langdon of New Hampshire as temporary presiding officer.

April 30, 1789: George Washington was inaugurated as the nation's first President under the Constitution. The oath of office was administered by Robert R. Livingston, chancellor of the State of New York, on the balcony of Federal Hall, at the corner of Wall and Broad Streets.

July 27, 1789: Congress established the Department of Foreign Affairs (later changed to Department of State).

August 7, 1789: Congress established the War Department.

September 2, 1789: Congress established the Treasury Department.

September 22, 1789: Congress created the office of Postmaster General.

September 24, 1789: Congress passed the Federal Judiciary Act, which established a Supreme Court, 13 district courts and 3 circuit courts, and created the office of the Attorney General.

September 25, 1789: Congress submitted to the States twelve amendments to the Constitution, in response to the five State ratifying conventions that had emphasized the need for immediate changes.

November 20, 1789: New Jersey became the first State to ratify ten of the twelve amendments, the Bill of Rights.

November 21, 1789: As a result of Congressional action to amend the Constitution, North Carolina ratified the original document, by a vote of 194 to 77.

December 19, 1789: Maryland ratified the Bill of Rights.

December 22, 1789: North Carolina ratified the Bill of Rights.

January 25, 1790: New Hampshire ratified the Bill of Rights.

January 28, 1790: Delaware ratified the Bill of Rights.

February 24, 1790: New York ratified the Bill of Rights.

March 10, 1790: Pennsylvania ratified the Bill of Rights.

May 29, 1790: Rhode Island ratified the Constitution, by a vote of 34 to 32.

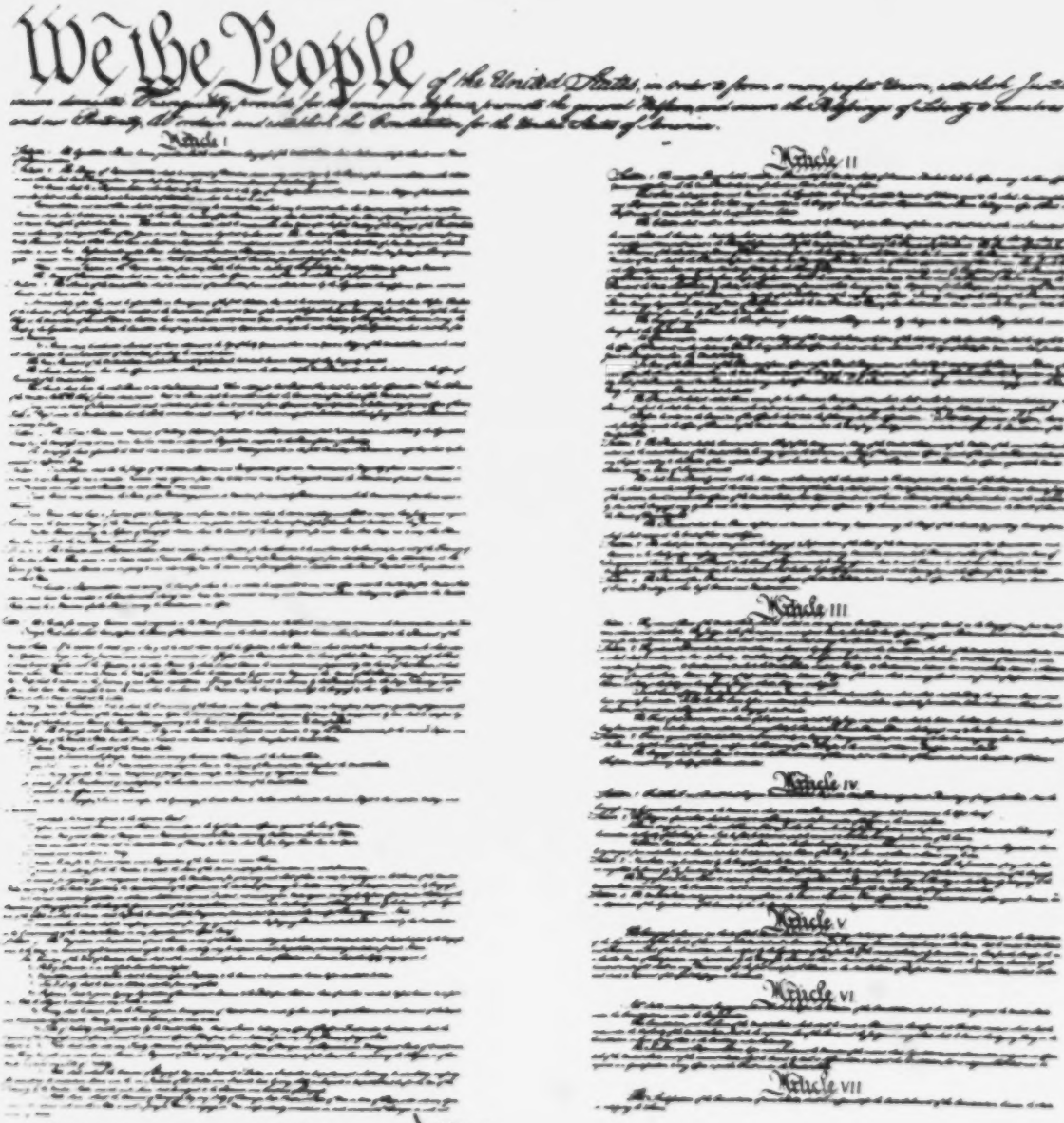
June 7, 1790: Rhode Island ratified the Bill of Rights.

January 10, 1791: Vermont ratified the Constitution.

March 4, 1791: Vermont was admitted to the Union as the fourteenth State.

November 3, 1791: Vermont ratified the Bill of Rights.

December 15, 1791: Virginia ratified the Bill of Rights, making it part of the United States Constitution.


We the People of the United States, in order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

Article I

Article II

Article III

Article IV

Article V

Article VI

Article VII

Done in Convention by the unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty seven and of the Independence of the United States of America the Twelfth

In Witness whereof We have hereunto subscribed our Names

Attest William Jackson Secretary

BEST COPY AVAILABLE